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UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

20 U.S. EQUAL EMPLOYMENT
21 OPPORTUNITY COMMISSION,

22 Plaintiff,

23 v.

24 LEO PALACE RESORT,

25 Defendant.

26 JENNIFER HOLBROOK; VIVIENE
27 VILLANUEVA; and ROSEMARIE
28 TAIMANGLO,

Plaintiff-Intervenors,

v.

MDI GUAM CORPORATION d/b/a LEO
PALACE RESORT MANENGON
HILLS and DOES 1 through 10,

Defendants.

FILED
DISTRICT COURT OF GUAM

OCT 29 2007 *hba*

JEANNE G. QUINATA
Clerk of Court

Case No.: 2:06-CV-00028

DECLARATION OF PHILLIP
TORRES IN SUPPORT OF
PLAINTIFF EEOC'S OPPOSITION
TO DEFENDANT'S MOTION TO
DISMISS EMOTIONAL DISTRESS
CLAIMS OF PLAINTIFF-
INTERVENOR HOLBROOK

1 I, Phillip Torres, declare and state:

2 1. I am an attorney representing Plaintiff-Intervenors in the current matter. I
3 have personal knowledge of the facts stated herein, and if called as a witness to testify as
4 to the matters stated herein, I could and would competently do so.
5

6 2. On October 22, 2007, I attended the reconvened deposition of Tom
7 Babauta, MSW.
8

9 3. At no time prior to the October 22, 2007 deposition of Mr. Babauta was my
10 office informed that Defendant LeoPalace believed Mr. Babauta's handwritten notes and
11 therapy records regarding his sessions with Ms. Holbrook were not included with Mr.
12 Babauta's response to the Court's Order to Produce.
13

14 4. At no time prior to the October 22, 2007 deposition of Mr. Babauta was my
15 office informed by Mr. Babauta that his handwritten notes and therapy records regarding
16 his sessions with Ms. Holbrook were not included with Mr. Babauta's response to the
17 Court's Order to Produce.
18

19 5. Counsel for Defendant LeoPalace did not inform my office about the
20 Motion to Dismiss prior to filing the motion on October 22, 2007.
21

22 I declare under penalty of perjury that the foregoing is true and correct. Executed
23 this 29th day of October, 2007, at Hagatna, Guam.
24

25
26 
27 PHILLIP TORRES
28